

ACCESSIBILITY ADVISORY COMMITTEE MINUTES  
4th Floor Engineering Conference Room, City Hall  
Thursday, August 27, 2009  
2:00 P.M.

The City Accessibility Advisory Committee met at the above place and date. The meeting was called to order at 2:10 P.M. The following committee members and staff answered roll call:

Richard Sheldon	Arne Schonberger
Rafael Hernando III	Martin Walton
Manny Razzo	Mark Shoesmith
William Bennett	Jim Fraser
James W. Peterson	

The following visitors were present:  
None

The following members and staff were not present:

Olivia Chavez	Mary Castillo
Sgt. Jack Mathews	Andrea Espinosa
Sergio Reyes	

AGENDA

- I. WELCOME / ROLL CALL
- II. CALL TO THE PUBLIC – PUBLIC COMMENT  
This time is reserved for members of the public who would like to address the City Accessibility Advisory Committee on any items that are not on the City Accessibility Advisory Committee Agenda and that are within the jurisdiction of the City Accessibility Advisory Committee. No action shall be taken.
- III. APPROVAL OF MINUTES of June 23, 2009 and June 25, 2009.
- IV. DISCUSSION AND ACTION
  - A. Discussion and action on an ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for people with physical disabilities) of the El Paso City Code.
  - B. Curb Ramp on Request Program
  - C. Subcommittee reports for Goals and Objectives
    - Employment of People with Disabilities
    - Taxi Ordinance
    - Sensitivity Training
    - Transition Plan for the City (proposed 40 foot long bus pads)
    - Barrier Free Construction
  - D. Formal complaints regarding ADA/Accessibility Compliance
  - E. Plan Reviews
  - F. Next Meeting Agenda, Date, and Location (9-8-2009)
- V. ANNOUNCEMENTS
- VI. ADJOURNMENT

Item 1. Welcome/Roll Call

Roll call was taken and a quorum was confirmed.

Item 2. Call to the public - public comment

There was no public comment.

Item 3. Approval of minutes of June 23, 2009 and June 25, 2009

A motion was made by Rafael Hernando III, seconded by Martin Walton, and unanimously approved to approve the minutes of June 23, 2009.

AYES: Richard Sheldon, Arne Schonberger, Rafael Hernando III, Martin Walton, Manny Razzo

NAYS: None

ABSTAIN: None

Item 4. Discussion and Action

- A. Discussion and action on an ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for people with physical disabilities) of the El Paso City Code.

Comments were made by William Bennett, Richard Sheldon, Arne Schonberger, Rafael Hernando III, Martin Walton, Jim Fraser, James W. Peterson, and Mark Shoesmith.

A motion was made by Arne Schonberger, seconded by Manny Razo, and unanimously approved to continue to recommend that the number of accessible units remain at five percent all with roll in showers.

AYES: Richard Sheldon, Arne Schonberger, Rafael Hernando III, Martin Walton, Manny Razzo

NAYS: None

ABSTAIN: None

- B. Curb Ramp on Request Program  
Comments were made by William Bennett.  
No action was taken on this item.

- C. Subcommittee reports for Goals and Objectives

Employment of People with Disabilities

No comments were made on this item.

No action was taken on this item.

Taxi Ordinance

Comments were made by William Bennett, Rafael Hernando, Martin Walton and James W. Peterson.

No action was taken on this item.

Sensitivity Training

No comments were made on this item.

No action was taken on this item.

Transition Plan for the City (proposed 40 foot long bus pads)

Comments were made by William Bennett, Richard Sheldon, and James W. Peterson.

No action was taken on this item.

Barrier Free Construction

Comments were made by William Bennett.

No action was taken on this item.

- D. Formal complaints regarding ADA/Accessibility Compliance

Comments were made by William Bennett, Richard Sheldon, and James W. Peterson.

No action was taken on this item.

- E. Plan Reviews

Comments were made by William Bennett, Martin Walton, James W. Peterson, and Jim Fraser.

F. Next Meeting Agenda, Date, and Location (9-8-2009)

The next meeting will be on September 3, 2009, at 2:00 with the location to be determined and then on September 8, 2009, in City Council Chambers.

Item 5. ANNOUNCEMENTS

No announcements were made.

Item 6. ADJOURNMENT

A motion was made by Arne Schonberger, seconded by Rafael Hernando, and unanimously approved to adjourn the meeting at 3:50 p.m.

AYES: Richard Sheldon, Arne Schonberger, Rafael Hernando III, Martin Walton, Manny Razzo

NAYS: None

ABSTAIN: None

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Manny Razzo	Mark Shoesmith
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The following visitors were present:

None

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Item 1. Welcome/Roll Call

Roll call was taken and a quorum was confirmed.

Item 2. Call to the public - public comment

There was no public comment.

Item 3. Approval of minutes of June 23, 2009 and June 25, 2009.

A motion was made, seconded, and unanimously approved to approve the minutes of June 23, 2009. The minutes of June 25, 2009 are still being worked on and will be carried over to next meeting.

Item 4. Discussion and Action

A. Discussion and action on an ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for people with physical disabilities) of the El Paso City Code.

From the last meeting, it appears that there is some confusion about what stays in the code on the code on the building part and what is being out. Something did not sound or smell right. It would not be beyond Mr. Torres to put changes in the code that we didn't want. The ordinance needs to be looked at very carefully and see what exactly the City Council is voting on. It is thought that work areas will be kept in to make it look good, but what the rest of the code? It is pretty much done with. The roll-in-showers are still in for the two percent, including a fold up seat. That was submitted to City Council. That is what is recommended. There is some funny stuff going on and they need to know that this committee continues to recommend that they leave the number of accessible apartments with roll in showers at five percent. A motion was made, seconded, and unanimously approved to continue to recommend that the number of accessible units remain at five percent all with roll in showers. Mr. Bohannon has said that he has not heard of any other places that have a requirement like ours. California requires four percent of their apartments to be accessible and they require any apartments with three units or more at least one must be accessible. So only duplexes (and single family dwellings) are left out. The proposed ordinance still requires that more than 4 units at least one must be accessible. The proposed ordinance is already online. It is given to the City Clerk and she distributes the item to council. The attorney signs the proposed ordinance, the department head signs it, and then it goes to the City Clerk. The proposed ordinance cannot be changed without being signed off on. Council can make floor amendments that would cause the ordinance to be rewritten to reflect the amendments. Tuesday the proposed ordinance will be introduced and a week is allowed for the public to review. Typically there is not public comment at introductions. It is at the time of the public hearing that comments are taken. Sometimes council will take comment at the introduction, but they cannot take action. The public hearing will be on September 8, 2009, that is the following Tuesday after the introduction. The five percent has been working for El Paso, so why change the percentage? It is not like we don't need the apartments, and more people are coming here with disabilities because of the war and because of Fort Bliss. There was information presented in order to get the BRAC so that they would come to El Paso or choose El Paso over locations. The statistics show that the units are going to be needed. When you are looking at the difference of two percent to five percent, it is three percent. When it is talked about however, it is going to be 2 apartments out of 100 verses 5 out of 100. According to the census bureau 28% of individuals with disabilities are living in poverty. That means that 72% are not living in poverty. The 28% can live in the units with the subsidy they receive from the government. They would be able to afford the unit. They are retired and have worked. Most of the people who are disabled in some way are over 65, on social security, and have some type of pension. The percentage of individuals in El Paso over 64 years of age that have mobility disabilities is 32% according to the 2000 census. Individuals 64 and up have a mobility disability. The Lift customers that use mobility device are 30 plus percent. There are over 11,000 lift customers in all. One of the previous handouts that was given to the BRAC commission showed that there was no need for additional apartments in El Paso. One of the reasons that El Paso was picked for BRAC was because housing needs were already met. This information was presented in 2003. They got half of the storm water fee reduced because they count the playground as a park. Is there an idea of how many of the items requested by the developers have been granted or how much money has been given to the developers. They have talked about green space, parks, building permits, and maybe some tax incentives. The developers continue to ask for one more thing or the apartments will not be built. With fewer accessible apartments then the disabled people will not have to be

seen in the places (apartments) and it will need to be done (reduce the number of accessible units) or the apartments will not be built. This was the very last thing that was wanted. What does it mean when you do not collect property taxes on the units? It means that everyone else has to cover the taxes. The value of one of the Bohannon properties was looked at. It was nine million dollars multiplied by the incentive given and it will cost the tax payers \$500,000 over the five years. That is just for one small apartment complex. If he builds a 25 million dollar complex, so it will be three times as much, or about 1.2 million dollars that will have been given to the developer, while at the same time the police and fire to delay their raises. The storm water fees is about 300 dollars per apartment that is being saved and at 24 units is quite a bit of money. When Mr. Bohannon came to this meeting about three months ago and showed the ugly apartments and said that they cannot rent them. He was told that there are other ways to build them that won't look like that. He was also told that there are people looking for apartments, and he said that maybe marketing the apartments would get them rented. They give a 20 percent discount to people who do not have disabilities because the apartments are ugly. The last units in all developments, apartments and retail spaces, are usually given a discount to get them filled. The portion of the Fair Housing Design Manual that informs that in general the stricter ordinance takes precedent. Other state laws will be reviewed to see who else has ordinances or laws that exceed the building code requirements. What about the survey that the committee was going to do to find out how many accessible units there are in El Paso? There is a list of apartments constructed after 1996 that is going to be looked at. The information presented so far shows that from 1971 to 1980 a large number of apartments were constructed, 1981 to 1990, 1991 to 2000 the number was much lower, and from 2001 to 2008 the number has gone up. 1993 is the cutoff date for the apartments. The five percent went into effect in 1987 for apartment complexes containing more than 20 units. In 1993, if more than 4 units were constructed, then one had to be accessible, and five percent of the units over 20 had to be accessible. The current local ordinance requires that five percent of the units be accessible with roll in showers, where the 2003 International Building Code is only requiring two percent to be accessible. The motion was made and unanimously approved to leave the number of Type A accessible apartments at five percent. This will be passed on to council. This is the third time that the recommendation has been made and unanimously approved. A meeting will be scheduled for next week on September 3, 2009 and also for September 8, 2009.

#### B. Curb Ramp on Request Program

The installation of ramps will begin September 8, 2009.

No action was taken on this item.

#### C. Subcommittee reports for Goals and Objectives

##### Employment of People with Disabilities

No comments were made on this item.

No action was taken on this item.

##### Taxi Ordinance

One of the taxi drivers of an accessible cab approached Rafael Hernando in the parking lot at the PX to give him a card. He told the driver that he had his own car. Lulac is ready to put their vehicles in use to provide equivalency to the companies that have not purchased vehicles.

No action was taken on this item.

##### Sensitivity Training

No comments were made on this item.

No action was taken on this item.

##### Transition Plan for the City (proposed 40 foot long bus pads)

The transition plan is on the city's web page. It is a very large document and it is all in pdf files.

The actual meat of the document is only about 15 pages. Please read the document and provide comments. There is a statement of compliance, the index, the plan, and the appendices.

No action was taken on this item.

#### Barrier Free Construction

This item was already discussed. This originally started out to address accessibility in dwelling units. It was to have wider hall ways and doors, switches and outlets at usable heights, usable bathrooms and kitchens, and a no step entry.

No action was taken on this item.

#### D. Formal complaints regarding ADA/Accessibility Compliance

No formal complaints were received. A complaint about not getting curb cuts done was made.

No action was taken on this item.

#### E. Plan Reviews

Several meetings have occurred. The downtown bridge facility was reviewed and comments were made. The downtown transit terminal was inspected. Way finding signage will need to be erected. The new fiscal year starts September 1, so things will get busy because there will be money. The apartments that Mr. Bohannon is going to build are ready to have permits issued. Five percent of the units are Type A accessible units. Another project is being constructed on Myrtle that has 15 units that are all accessible.

#### F. Next Meeting Agenda, Date, and Location (9-8-2009)

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#### Item 5. ANNOUNCEMENTS

No announcements were made.

#### Item 6. ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 3:50 p.m.